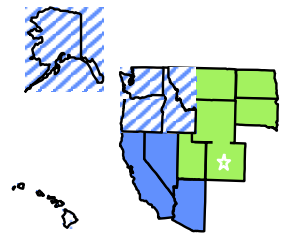




# US Army Environmental Center Western Regional Environmental Office REGION 8 – FEBRUARY 2004 **WESTERN REGION REVIEW**



The WESTERN REGION REVIEW provides current information on significant regulatory & legislative developments, as well as related information affecting DOD activities & operations in the Federal Region 8 area: Colorado, Montana, North Dakota, South Dakota, Utah, & Wyoming. We appreciate your feedback. Please contact WREO, U.S. Custom House, 721 19<sup>th</sup> St., Room 427, Denver, CO 80202-2500; Phone: (303) 844- 0954, or fax: (303) 844-0951.

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## FEDERAL AGENCY NEWS & REGULATORY DEVELOPMENTS



### ENVIRONMENTAL PROTECTION AGENCY (EPA) INFORMATION

#### AIR INFORMATION:

##### **FINAL RULE – AMENDMENTS TO NEW STATIONARY SOURCE MONITORING REQUIREMENTS –**

On 12 January 2004 (69 FR 1785), EPA promulgated Performance Specification 11: Specifications and Test Procedures for Particulate Matter Continuous Emission Monitoring Systems at Stationary Sources, and Procedure 2: Quality Assurance Requirements for Particulate Matter Continuous Monitoring Systems at Stationary Sources. The requirements will apply to sources that must use particulate matter continuous emission monitoring systems to monitor PM continuously. They will help to ensure that such systems are installed and operated properly, and produce good quality monitoring data on an ongoing basis. The amendments were effective 12 January 2004. For further information, contact Daniel Bivins, EPA at (919) 541-5244, or e-mail: [bivins.dan@epa.gov](mailto:bivins.dan@epa.gov).

**FINAL RULE – CONTROL OF EMISSIONS FROM MOTORCYCLES** – On 15 January 2004 (69 FR 2397), EPA adopted revised exhaust emission standards for currently regulated highway motorcycles. EPA also adopted new exhaust emissions standards for motorcycles of less than 50 cubic centimeters in displacement, which had not previously been subject to EPA regulations. In addition, EPA adopted new permeation evaporative emission standards for all classes of highway motorcycles. This final rule will be effective 15 March 2004. For further information, contact Carol Connell, EPA at (734) 214-4636, or e-mail: [connell.carol@epa.gov](mailto:connell.carol@epa.gov).

**FINAL RULE – REVISIONS TO MONITORING REQUIREMENTS FOR OPERATING PERMITS** – On 22 January 2004 (69 FR 3201), EPA ratified certain current language of the state and federal operating permits program rules under Title V of the Clean Air Act concerning monitoring and announced a different interpretation of the "umbrella monitoring" rules. EPA has determined that the umbrella monitoring rules do not establish a separate regulatory standard or basis for review and enhancement of existing monitoring independent of any review and enhancement that may be required under separate provisions of the operating permits rules. This final rule will be effective 23 February 2004. For further information, contact Jeff Herring, EPA at (919) 541-3195, or e-mail: [herring.jeff@epa.gov](mailto:herring.jeff@epa.gov).

##### **DIRECT FINAL RULE – AMENDMENTS TO SPARK-IGNITION NONROAD ENGINE REQUIREMENTS**

On 12 January 2004 (69 FR 1823), EPA took direct final action to adopt amendments to its Phase 2 requirements for spark-ignition nonroad handheld engines at or below 19 kilowatts. The Phase 2 requirements were adopted in April 2000 and are being phased-in between 2002 and 2007. The Amendments are intended to provide additional compliance flexibility to engine manufacturers to smooth the transition to the Phase 2 requirements. The amendments contain two revisions intended to increase flexibility in the averaging, banking, and trading program as it applies to handheld engines. This direct final rule will be effective 12 March 2004 without further notice, unless EPA receives adverse comments by 11 February 2004. If EPA receives adverse comments, it will publish a timely withdrawal in the Federal Register informing the public that this rule will not take effect. For further information, contact Phil Carlson, EPA at (734) 214-4636, or e-mail: [carlson.philip@epa.gov](mailto:carlson.philip@epa.gov).

**SUPREME COURT RULING – EPA CAN OVERRULE STATE PERMIT ACTION** – The U.S. Supreme Court has issued a ruling confirming EPA's authority, under the Clean Air Act prevention of significant deterioration program, to overturn state permits for construction of new sources in attainment areas, when the state has not required best achievable control technology. The 5-4 decision (Alaska Department of Environmental Conservation v. Environmental Protection Agency) found the EPA did not go too far when it overruled a decision by Alaska regulators, who wanted to let the operators of a zinc and lead mine use cheaper antipollution technology for power generation ("low NOx" vice selective catalytic reduction for NOx control). The text of the decision is available at <http://www.supremecourtus.gov/opinions/03pdf/02-658.pdf>.

### **WATER INFORMATION:**

**FINAL GUIDANCE – WATERSHED-BASED NPDES PERMITTING** - EPA has released a final document entitled "Watershed-Based National Pollutant Discharge Elimination System (NPDES) Permitting Implementation Guidance." The purpose of this guidance is to describe the concept of and the process for watershed-based permitting under the NPDES permit program. Watershed-based NPDES permitting is an approach to developing NPDES permits for multiple point sources located within a defined watershed. The guidance addresses issues related to program implementation, but it does not provide detailed technical information or address procedural and administrative actions related to permit issuance. The guidance is available at [http://www.epa.gov/npdes/pubs/watershedpermitting\\_finalguidance.pdf](http://www.epa.gov/npdes/pubs/watershedpermitting_finalguidance.pdf).

**NOTICE OF AVAILABILITY – UPDATED WATER QUALITY TRADING WEBSITE** – EPA's Water Quality Trading website has been updated to include links from the states, frequently asked questions, and presentations from the National Trading Forum. The website is located at [www.epa.gov/owow/watershed/trading.htm](http://www.epa.gov/owow/watershed/trading.htm).



### **GENERAL INFORMATION**

**GAO REPORT – DOD CLEANUP OF CONTAMINATED SITES** - The GAO has issued a report (GAO-01-147) that evaluates DoD's progress in identifying, assessing, and cleaning up military munitions sites and DoD's plans to clean up remaining sites in the future. Over 15 million acres in the United States may be contaminated with military munitions. As of September 2002, 2,307 potentially contaminated sites had been identified, but 1,387 sites were awaiting completion of initial evaluation. More sites continue to be identified and a complete inventory may take several more years to obtain. The report states that DoD does not yet have a complete and viable plan for cleaning up military munitions. GAO identified several problematic areas, including: 1) essential data which may take years to develop; 2) reliance on preliminary cost estimates that can change and loss of funds by the reallocation of those funds; and 3) a plan that does not contain goals or measures for site assessment and cleanup. GAO recommends that DoD: 1) establish deadlines for completing its site inventory and initial evaluations; 2) reassess the timetable proposed for completing its risk assessment reevaluations; 3) establish service-specific targets; and 4) work with Congress to develop budget proposals that will allow timely completion of cleanup activities. For further information, contact Anu Mittal, GAO at (202) 512-3841, or link: <http://www.gao.gov/highlights/d04147high.pdf>.

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## UPCOMING CONFERENCES, SYMPOSIUMS AND TRAINING ANNOUNCEMENTS

### CLEANUP SITE CLOSURE: REGULATORY & ADMINISTRATIVE ACTIVITIES

**17-18 February 2004 – Idaho Falls, Idaho**

RTI is offering this course for personnel who are involved in the planning and implementation of closure and post-closure activities at hazardous and mixed waste management facilities or environmental restoration projects. The course will provide an overview of RCRA requirements for landfills, storage pads, and contaminated areas. It will also cover effective ways to plan for the integration of closure among units regulated under different programs. For more information or to register, call (803) 652-8830, or link <http://www.rtii.org>.

### APPLIED CLEAN AIR ACT

**17-19 February 2004 – Richland, Washington**

RTI is offering this course for environmental professionals who are responsible for implementation and monitoring of their facilities' compliance with the requirements of the Clean Air Act (CAA). The course provides detailed information on all facets of the CAA and the 1990 Amendments. It covers the fundamentals of air pollution such as abatement equipment, monitoring, and air dispersion models. For more information or to register, call (803) 652-8830, or link <http://www.rtii.org>.

### HAZARDOUS WASTE MANAGEMENT AND MANIFEST INITIAL COURSE

**23-27 February 2004 – Huntsville, Alabama**

The Army Corps of Engineers is offering this course to fulfill the initial training requirements of 49 CFR 172, Subpart H, as they relate to the management and transportation of hazardous waste and the use of a hazardous waste manifest. For more information or to register, call Joy Rodriguez at (256) 895-7448, or link: [http://pdsc.usace.army.mil/CourseListDetails1.asp?Cntrl\\_Num=223](http://pdsc.usace.army.mil/CourseListDetails1.asp?Cntrl_Num=223).

### HAZARDOUS WASTE MANAGEMENT AND MANIFEST REFRESHER COURSE

**24-25 February 2004 – Huntsville, Alabama**

The Army Corps of Engineers is offering this course to fulfill the recurrent requirements of 49 CFR 172, Subpart H, as they relate to the management and transportation of hazardous waste and the use of a hazardous waste manifest. For more information or to register, call Joy Rodriguez at (256) 895-7448, or link: [http://pdsc.usace.army.mil/CourseListDetails1.asp?Cntrl\\_Num=429](http://pdsc.usace.army.mil/CourseListDetails1.asp?Cntrl_Num=429).

### DESIGN STRATEGIES FOR LOW-ENERGY, SUSTAINABLE, SECURE BUILDINGS

**24-25 February 2004 – Tucson, Arizona**

The Department of Energy and the Federal Network for Sustainability are co-sponsoring this course, which is intended for designers, project managers, architects and engineers who work on federal agency projects. The course teaches the fundamentals of an integrated "whole building" approach to design that considers the structure and systems as a whole, and examines how they work best together to save energy and reduce environmental impact. For more information or to register, link: <http://fempcentral.com/workshops/registration.ws>.

### INTRODUCTORY HEALTH RISK COMMUNICATION WORKSHOPS

**24-26 February 2004 – Seattle, Washington**

**27- 9 April 2004 – Honolulu, Hawaii**

The Army Center for Health Promotion and Preventative Medicine is presenting these workshops to instruct participants how to identify, build, maintain, and utilize strategic partnerships and plans to support an organization's mission. The workshop will provide a basic understanding of the concepts, principles, and process of effective risk communication. Topics include: History and Philosophy of Risk

Communication, Steps of the Risk Communication Process, Importance of Identifying, Understanding, and Collaborating with Key Stakeholders, Pitfalls to Effective Risk Communication, and Basic Tools for Engaging the Media. For more information or to register link: <http://chppm-www.apgea.army.mil/risk>.

### **HISTORIC PRESERVATION LAW AND SECTION 106 COMPLIANCE**

**24-26 February 2004 – Jacksonville, Florida**

**20-22 April 2004 – San Antonio, Texas**

**20-22 July 2004 – Annapolis, Maryland**

This course emphasizes legal compliance with the National Historic Preservation Act Section 106 process using actual case studies. It addresses legislation and the process to meet the requirements of the law. Course content includes: the stewardship role; use of historic properties; and communications with related oversight agencies. For more information or to register, link: <https://www.cecos.navy.mil>.

### **NATURAL RESOURCES COMPLIANCE**

**24-27 February 2004 – San Antonio, Texas**

**22-25 June 2004 – Aberdeen, Maryland**

This course offers instruction in specific natural resources laws, regulations, policies, Executive Orders, DoD instructions, and other guidance, noting Service-specific requirements. It addresses stewardship, preservation and process; fish, game and wildlife management laws; protection of wetlands, waterways and other protected ecological areas; forest and land use management laws; and inter-service cooperation. This is an Inter-service Environmental Education Review Board (ISEERB approved) course. For more information or to register, link: <https://www.cecos.navy.mil>.

### **2<sup>ND</sup> ANNUAL ARMY ENVIRONMENTAL TRAINING SYMPOSIUM**

**1- 5 March 2004 – Kansas City, Missouri**

The Army Engineer School is hosting this symposium to provide environmental training to installation (Active Army, National Guard, and Army Reserve) environmental personnel and installation stakeholders. Training topics include 1) satellite accumulation point operator; 2) hazardous materials handler; 3) HAZWOPER 8-hour refresher; 4) pollution prevention; and 5) spill prevention and response. For more information, call (573) 563-4124.

### **ENVIRONMENTAL NEGOTIATION WORKSHOP**

**9-11 March 2004 – San Diego, California**

The Naval Civil Engineer Corps Officers School (CECOS) is offering this workshop tuition-free to all DoD personnel. The workshop provides instruction on the negotiating and communication skills necessary to establish productive relationships and achieve beneficial agreements with regulatory and public stakeholders. It stresses the human, organizational and public interaction aspects of building constructive relationships with stakeholders in order to obtain mutually beneficial decisions in environmental decision making. Case studies and role-playing provide an opportunity for every student to apply the information presented in class. For more information and registration, visit the CECOS web site: <https://www.cecos.navy.mil>.

### **UXO/COUNTERMINE FORUM**

**9-13 March 2004 – St. Louis, Missouri**

This forum will address challenges in military sustainment through technical presentations, exhibits and networking events. It is intended to showcase cutting edge UXO and countermining technologies, ideas programs and partnerships for researchers, policy makers and program planners. For more information or to register, call (865) 379-7065, or e-mail: [TheForum@ImpactStrategicEvents.com](mailto:TheForum@ImpactStrategicEvents.com).

### **DSMOA NATIONAL WORKSHOP**

**15-18 March 2004 – Atlanta Georgia**

DoD is sponsoring this workshop for all DSMOA participants and hopes to have at least one program manager and one financial manager from each participating state in attendance. The workshop will include mini training sessions, large and small group presentations, panel discussions, and breakout sessions. Current issues from DoD and states' perspectives will be shared and discussed. For more information or to register, link: <http://www.ttclients.com/dsmoa2004>.



**INTRODUCTION TO CULTURAL RESOURCE MANAGEMENT LAWS AND REGULATIONS****16-18 March 2004 – New Orleans, Louisiana****17-19 August 2004 – Bangor, Maine**

This course provides an integrated overview of all pertinent laws and regulations needed to understand and fulfill cultural resource management responsibilities. The curriculum is designed around a series of inter-related case studies discussed during the course. The course is taught in conjunction with the Advisory Council on Historic Preservation and is approved by the Inter-service Environmental Education Review Board (ISEERB). For more information or to register, link: <https://www.cecos.navy.mil>.

**NDIA 30<sup>TH</sup> ENVIRONMENTAL AND ENERGY SYMPOSIUM****5-8 April 2004 – San Diego, California**

The National Defense Industrial Association (NDIA) is presenting this symposium to provide a national forum for the exchange of technical information, government policy, regulations, programs, and law; and new ideas on environmental and energy issues, performance tracking, and areas of concern. The theme of the symposium is: "DoD Transformation Leading Towards Results-Based Environmental and Energy Programs." This event is intended for industry leaders, practitioners, environmental and energy officials, operators, and other personnel within government agencies. For more information, contact Naomi Mundy at (703) 247-9476, Or link: <http://www.ndia.org>.

**NATIONAL ENVIRONMENTAL ASSISTANCE SUMMIT****19-22 April 2004 – Baltimore, Maryland**

EPA has announced the merger of the National Pollution Prevention Roundtable Spring Conference and the National Compliance Assistance Providers Forum. This summit, titled "One Environment/One Conference," will cover advances and innovations in environmental issues and solutions, pollution prevention, and compliance assistance programs, methods, technologies and environmental policies. For more information, call (202) 299-9701, or link: <http://www.p2.org/summit2004/>.

**ENVIRONMENTAL LAWS AND REGULATIONS****27-29 April 2004 – Richland, Washington**

RTI is offering this course for personnel new to the field of waste management environmental compliance or environmental restoration, as well as persons who need an update on recent changes in environmental laws and regulations. The course will address high level waste storage in tanks and treatment for disposal; low level waste disposal; mixed waste treatment, storage and disposal; environmental compliance associated with operational or restart issues; decommissioning activities; and materials transportation. For more information or to register, call (803) 652-8830, or link <http://www.rtii.org>.

**12<sup>TH</sup> ANNUAL GLOBAL DEMILITARIZATION SYMPOSIUM & EXHIBITION****17-20 May 2004- Dallas, Texas**

The Joint Ordnance Commanders Group and NDIA are presenting this symposium to support DoD in numerous efforts directed at reducing the stockpile of excess and obsolete strategic, tactical, and conventional munitions. The agenda will focus on global challenges and successes experienced in the disposition of energetic materials. Topics of interest will include ongoing disposal, recycling and reuse programs, research and development efforts, transitioning technologies, and the latest policy issues. For more information or to register, link: [www.ndia.org](http://www.ndia.org).

**ACCELERATING SITE CLOSEOUT****15-17 June 2004 – Dallas, Texas**

The Federal Remediation Technologies Roundtable is sponsoring this conference with the theme: "Improving Performance and Reducing Costs Through Optimization." The goals of the conference are to: 1) outline long-term remediation liabilities and optimization needs and opportunities; 2) disseminate existing and emerging optimization strategies, technologies, tools, and science; 3) communicate lessons learned and identify technical, institutional, contractual, and other enhancements and encumbrances to achieving positive optimization results; and 4) present remedial optimization within the context of site-wide and multi-site management programs. For more information or to register, link: <http://www.clu-in.org/siteopt/siteopt.htm>.

**2004 COMMUNITY INVOLVEMENT CONFERENCE****15-18 June 2004 – Denver, Colorado**

EPA is sponsoring this 7<sup>th</sup> annual conference to share lessons learned and to establish and monitor its standards for community involvement. The conference will cover the entire scope of public participation, community involvement, partnership building, and outreach and education related to all aspects of environmental protection. For more information, contact Lisa Gebler at (301) 589-5318, ext. 23, or link: <http://www.epancic.org/2004>.

**McCOY RCRA SEMINAR****21-25 June – Portland, Oregon**

McCoy and Associates is offering this RCRA training with five sessions at each seminar: 1) RCRA Fundamentals; 2) Critical Generator Issues; 3) Advanced RCRA Topics I; 4) Advanced RCRA Topics II and Land Disposal Restrictions I; and 5) Land Disposal Restrictions II and RCRA Rules Under Development. The seminar is designed for hazardous waste generators, environmental managers, compliance specialists, environmental consultants, and environmental attorneys. For more information or to register, call (303) 526-2674, or link: <http://www.mccoyseminars.com>.

**9<sup>TH</sup> ANNUAL JOINT SERVICES ENVIRONMENTAL MANAGEMENT CONFERENCE****16-19 August 2004 – San Antonio, Texas**

The National Defense Industrial Association is presenting this conference and exhibition ((formerly the Joint Services Pollution Prevention and Hazardous Waste Management Conference and Exhibition). The theme of the 2004 conference is "Sustaining the Force: Optimizing Readiness Through the Prevention of Pollution." For more information, contact Naomi Mundy at (703) 247-9476, Or link: <http://www.ndia.org>.

**13<sup>TH</sup> ANNUAL ITAM WORKSHOP****16-20 August 2004 – San Francisco, California**

The Army is calling for abstracts for the Integrated Training Area Management (ITAM) workshop. Suggested topics are: land rehabilitation and maintenance, land condition trend analysis, sustainable range awareness, training requirements integration, and geographical information system. Abstracts are due by 31 March. For more information, link: <http://www.army-itam.com/public/workshop/13th/callforpapers.jsp>.

**ADVANCED RISK COMMUNICATION WORKSHOP****23-26 August 2004 – San Antonio, Texas**

The Army Center for Health Promotion and Preventative Medicine is presenting this workshop to instruct participants how to identify, build, maintain, and utilize strategic partnerships and plans to support an organization's mission. The workshop builds on the "Introductory Health Risk Communication Workshop" listed above (a pre-requisite for this course) and will provide participants with hands-on experience in applying the steps of the risk communication process, on-camera media practice, and seminar-style discussions of "hot" issues impacting military health and readiness. There is no registration fee. For more information or to register, link: <http://chppm-www.apgea.army.mil/risk>.

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## STATE REGULATORY DEVELOPMENTS, LEGISLATION, AND NEWS



## COLORADO

### AIR INFORMATION:

**PROPOSED REGULATION – NEW SOURCE REVIEW PERMITTING** – The Colorado Department of Public Health and Environment (CDPHE) has proposed a regulation to incorporate revisions to the federal new source review permitting program. CDPHE will only make non-substantive or clarifying changes to Regulation No. 3, other than the incorporation of EPA's modifications to New Source Review for major stationary sources. CDPHE will hold a public hearing 19 February. For more information, contact Jean Terry at (303) 692-3255, or link: <http://www.cdphe.state.co.us/ap/reg3.html>.

**PROPOSED REGULATION – DENVER OZONE ACTION PLAN** – The Colorado Department of Public Health and Environment (CDPHE) has proposed to adopt the Ozone Action Plan for the Denver metropolitan area and Weld County as required by the State's Ozone Early Action Compact with EPA. The proposed revision to the Colorado State Implementation Plan (SIP) will demonstrate attainment of the 8-hour national ambient air quality standard for ozone. The proposal includes revisions to the Ambient Air Quality Standards Regulation, the Common Provisions Regulation, and Regulations Number 7 and 11. CDPHE may also consider other regulatory changes that may be necessary to meet the ozone standard. CDPHE will hold a public hearing on 11 March 2004. Comments are due by 26 February. For more information, contact Douglas Lempke at (303) 692-3478, or link: <http://www.cdphe.state.co.us/op/aqcc/aqccdown/ozonenoticemarch.pdf>.

### WASTE INFORMATION:

**NOTICE – PARTIAL DELETION OF ROCKY MOUNTAIN ARSENAL FROM NPL** – On 15 January 2004, EPA announced the deletion of the Selected Perimeter Area (69 FR 2304) and the Surface Deletion Area (69 FR 2306) of the Rocky Mountain Arsenal National Priorities List (RMA/NPL) Site from the National Priorities List (NPL). EPA and CDPHE have determined that these areas of the RMA/NPL Site pose no significant threat to public health or the environment and no further remedial measures pursuant to CERCLA are appropriate. This partial deletion pertains to the surface (soil, surface water, sediment), structures, and groundwater media of the Selected Perimeter Area, and the surface and structures media of the Surface Deletion Area. For further information, contact Laura Williams, EPA at (303) 312-6660.

### WATER INFORMATION:

**FINAL REGULATION – SITE-SPECIFIC GROUNDWATER QUALITY CLASSIFICATIONS** – CDPHE has adopted new site-specific ground water classifications and standards proposed by the Oil and Gas Conservation Commission. CDPHE also updated the table and map in section 42.3 "Index of Classified Areas," to reflect the new site-specific classifications and standards. The standards were effective 2 February 2004. For more information, contact Sarah Johnson at (303) 692-3609, or link: <http://www.cdphe.state.co.us/op/wgcc/OtherRegs/Reg42NoticeRMH0311.pdf>.

**FINAL POLICY – HUMAN HEALTH-BASED WATER QUALITY CRITERIA AND STANDARDS** – CDPHE has adopted revisions to the Water Quality Control Commission's Policy 96-2, Human-Health Based Water Quality Criteria and Standards. The policy addresses the methodology and rationale for



establishing human health-based water quality criteria and standards for surface and ground waters in the State. The policy was effective 31 December 2003, and will expire 31 December 2004. For more information, contact Diana Glaser at (303) 692-3469.

**PROPOSED REGULATION – BASIC STANDARDS AND METHODOLOGY FOR SURFACE WATER AND GROUNDWATER** - CDPHE has proposed revisions to its basic standards and methodologies for surface water, Regulation #31, its basic standards for groundwater, regulation #41, and site-specific water quality standards for groundwater, Regulation #42. The revisions concern the standards for organic chemicals, human health-based standards for fish consumption, and other revisions identified as part of the triennial review process. CDPHE will hold a public hearing on 10 May 2004. For more information, contact Diana Glaser at (303) 692-3469, or link: <http://www.cdphe.state.co.us/op/wqcc/OtherRegs/84/Reg84.html>.

**PROPOSED REGULATION – REVISIONS TO SITE APPROVAL PROCESS** – CDPHE has proposed revisions to the Regulation for the Site Approval Process for domestic wastewater treatment works, Regulation #22. The proposed revisions include changes to: (1) definitions; (2) additions to the declaration of policy for the site location approval process, (3) application procedures, (4) certification procedures, and (5) the design approval process. Comments are due by 2 March 2004. CDPHE will hold a public hearing 12 April 2004. For more information, contact Diana Glaser at 692-3469, or link: <http://www.cdphe.state.co.us/op/regs/waterregs/100222.pdf>.

**PROPOSED TMDL LIST - 2004 303 (d) LIST OF IMPAIRED WATERS AND LISTING CRITERIA** – CDPHE has adopted listing methodology for the 2004 303(d) list of impaired waters and proposed the 2004 list, as well as a Monitoring and Evaluation List. CDPHE will hold a public hearing and hopes to approve the list on 9 March 2004, since it must be submitted to EPA by 1 April 2004. For more information, contact Phil Hegeman, CDPHE at (303) 692-3518.

### Legislative Developments

The 2004 legislative session began 7 January and will end 5 May. For current information on the legislative session, link [http://www.state.co.us/gov\\_dir/stateleg.htm](http://www.state.co.us/gov_dir/stateleg.htm).

**COLORADO HB 1025 – FUELS** - Exempts a new diesel vehicle from getting an emissions inspection when it is sold, unless the current emissions certificate expires within twelve months. Introduced and referred to House Transportation and Energy Committee 7 January 2004. Referred to House Appropriations Committee 28 January. The sponsor is Representative Ann Ragsdale (D).

**COLORADO HB 1040 – GROUNDWATER** - Requires that a water judge include, in each decree for a water right that diverts water from one water division into another, conditions to ensure that the present appropriation of water and prospective beneficial uses of water within the water division from which the water is exported will not be impaired. Requires the applicant to show that such exportation is needed after the preparation of an integrated water supply and demand plan and after an analysis of reasonable alternatives to such export. Introduced and referred to Agriculture, Livestock, and Natural Resources Committee 7 January 2004. The sponsor is Representative John Salazar (D).

**COLORADO HB 1073 – GROUNDWATER** - Specifies that the failure of a water referee, or of an applicant for a new water right or a change of point of diversion of a water right, to notify affected surface owners does not divest the water judge of jurisdiction or constitute a denial of due process. Allows such unnotified surface owners to file statements of opposition and requires the water judge to consider such statements. Introduced and referred to Agriculture, Livestock, and Natural Resources Committee 7 January 2004. Amended and sent to House Committee of the Whole 29 January. The sponsor is Representative Matt Smith (R).

**COLORADO HB 1120 – GROWTH MANAGEMENT** - Recognizes the duty of each county and municipal planning commission to make and adopt for submission to the Board of County Commissioners or the governing body of the municipality a master plan. Allows the planning commission to recommend amendments to an existing master plan. Specifies that the Board of County Commissioners or the municipal governing body may

adopt, modify, or reject the plan or amendments. Specifies that any master plan adopted by a regional planning commission shall not be legally enforceable in any county or municipality unless its governing body has adopted ordinances or rules that implement the plan. Introduced and referred to House Local Government; and State, Veterans, and Military Affairs Committees 12 January 2004. Amended 26 January. The sponsor is Representative John Pommer (D).

**COLORADO HB 1135 – WILDLIFE SANCTUARIES** - Authorizes operation of a wildlife sanctuary by a nonprofit entity. Exempts sanctuaries accredited by the American Association of Sanctuaries or the American Sanctuaries Association from the licensing requirement. Authorizes the Wildlife Commission to regulate such sanctuaries, subject to review of proposed rules by the Captive Wildlife and Alternative Livestock Board. Introduced and referred to Agriculture, Livestock, and Natural Resources; and Finance Committees 13 January 2004. Referred to House Finance Committee 29 January. The sponsor is Representative Paul Martin Weissmann (D).

**COLORADO HB 1147 – ENVIRONMENTAL MANAGEMENT SYSTEMS** - Authorizes CDPHE to implement an environmental management system permit pilot program to allow participants to meet existing environmental requirements through the use of alternative methods and procedures while ensuring compliance with ambient air or water standards. Sets the minimum elements that CDPHE shall include in a permit. Introduced and referred to Agriculture, Livestock, and Natural Resources; and Finance Committees 13 January 2004. Referred to House Appropriations Committee 28 January. The sponsor is Representative Dale Hall (R).

**COLORADO HB 1203 – EMINENT DOMAIN** - Prohibits private property acquired by government entities, in connection with the powers of eminent domain, from being subsequently transferred to a private party. Prohibits private property acquired by an urban renewal authority after the effective date of the act from being subsequently transferred to a private party. Introduced and referred to Assembly Information and Technology Committee 16 January 2004. The sponsor is Representative Shawn Mitchell (R).

**COLORADO SB 32 – WATER USE** - Authorizes an owner of an agricultural irrigation water right to loan such right for up to 180 days to another owner on the same stream, subject to approval by the division engineer and a finding of a lack of material injury to other decreed water rights. Introduced and referred to Senate Agriculture, Natural Resources and Energy Committee 7 January 2004. Hearing held, amended, and reported from Committee 15 January. Passed Senate 21 January. Assigned to House Agriculture, Livestock, & Natural Resources Committee 22 January. The sponsor is Senator Jim Isgar (D).

**COLORADO SB 91 – WASTE SERVICES** - Makes a legislative declaration that the provision of waste services within the limits of municipalities is a matter of statewide concern. Prohibits a municipality from compelling any resident or business to use or pay fees for waste services provided by the municipality in preference to services provided by a private person. Introduced and referred to Senate State Veterans and Military Affairs Committee 12 January 2004. Amended and passed to Senate Committee of the Whole 28 January. The sponsor is Senator Ronald Teck (R).

**COLORADO SB 104 – WATER USE** - Requires water providers that import water from a different water division to: (1) adopt, implement, and periodically update water use efficiency plans after considering listed factors and following specified public notice and comment procedures; (2) inform the public about methods to maximize outdoor water use efficiency; (3) discourage outdoor landscape watering during hours when evaporative loss is at a maximum; (4) place an appropriate limit on the percentage of turf in new landscape development; and (5) require subsurface irrigation on all new landscaped public medians less than 4 feet wide. Introduced and referred to Senate Agriculture, Natural Resources and Energy; Local Government; and Appropriations Committees 12 January 2004. Postponed indefinitely 28 January. The sponsor is Senator Ron Tupa (D).

**COLORADO SB 110 – SOLID WASTE** - Broadens the prohibition against transporting uncovered aggregate material on a highway to include a prohibition against transporting uncovered trash. Defines "trash". Introduced and referred to Senate Transportation Committee 14 January 2004. The sponsor is Senator Bruce Cairns (R).

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## MONTANA

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### AIR INFORMATION:

**FINAL RULE – APPROVAL OF THOMPSON FALLS PM10 SIP** – On 22 January 2004 (69 FR 3011), EPA approved PM10 State Implementation Plan (SIP) revisions for Thompson Falls as meeting the requirements for moderate PM-10 nonattainment areas contained in Part D of the Clean Air Act. These revisions contain an emissions inventory for Thompson Falls and require continuation of all control measures adopted and implemented for reductions of PM10 in order to attain the National Ambient Air Quality Standards. EPA approved the control measures and the emissions inventory as part of the Montana SIP and made the control measures Federally enforceable. The approval will be effective 23 February 2004. For further information, contact Laurel Dygowski, EPA at (303) 312-6144.

**FINAL REGULATION – ADOPTION OF FEDERAL RULE CHANGE FOR TITLE V COMPLIANCE** – The Montana Department of Environmental Quality (DEQ) has adopted amendments to incorporate changes to 40 CFR 70.6 regarding Title V annual compliance certifications. The amendments require that the operator only identify whether the reporting facility's compliance is to be continuous or intermittent during the reporting period but not identify the method used to reach this determination. The amendments were effective 25 December 2003. For more information, contact David Rusoff at (406) 444-2626.

### WASTE INFORMATION:

**PROPOSED REGULATION – UNDERGROUND STORAGE TANKS** – The Montana DEQ has proposed amendments to its underground storage tank (UST) requirements. The amendments include: (1) release reporting; (2) investigations of releases; (3) release confirmations; and (4) corrective action requirements. DEQ also proposed new rules for USTs: (1) reporting of confirmed releases; (2) number of petroleum release; (3) release categorization; (4) adoption by reference of state and federal standards. Comments are due by 15 March 2004. For more information, contact Kirsten Bowers at (406) 444-1448, or link: <http://www.deq.state.mt.us/dir/legal/Notices/17-179.pro.pdf>.

### WATER INFORMATION:

**PROPOSED ISSUANCE – 2004 INTEGRATED WATER QUALITY REPORT** – The Montana DEQ has proposed to issue its 2004 Integrated Water Quality Report. The report includes a Water Quality Atlas that provides a summary of water quality information for the State and the revised list of impaired streams and lakes that need Water Quality Restoration Plans. These plans include total maximum daily load determinations. DEQ will hold a public hearing on 12 March 2003. For more information, contact Michael Pipp at (406) 444-7424, or link: <http://nris.state.mt.us/wis/environet/2004Home.html>.

### Legislative Developments

The 2003 legislative session began 6 January and ended 26 April. A summary of significant environmental bills that were enacted and signed was included in the June 2003 Review. For more information on the legislative session, link <http://www.leg.state.mt.us>. There will not be a regular legislative session in 2004.



## NORTH DAKOTA

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### Regulatory Developments & Other State Information

No significant regulatory activity to report.

### Legislative Developments

The 2003 legislative session began 7 January and ended 25 April. A summary of significant environmental bills that were enacted and signed was included in the June 2003 Review. For more information on the legislative session, link: <http://www.state.nd.us/lr/>. There will not be a regular legislative session in 2004.



## SOUTH DAKOTA

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### Regulatory Developments & Other State Information

No significant regulatory activity to report.

### Legislative Developments

The 2004 legislative session began 13 January. For current information on the legislative session, link <http://legis.state.sd.us/index.cfm>.

**SOUTH DAKOTA HB 1157 – CLEANUP** - Provides a limitation of lender environmental liability for cleanup and remediation costs. Introduced and referred to Judiciary Committee 22 January 2004. The sponsor is Representative Joni Cutler (R).

**SOUTH DAKOTA HB 1175 – CLEANUP** - Establishes the brownfields economic development program and provides for the continuous appropriation of certain federal funds. Introduced and referred to House State Affairs Committee 22 January 2004. Hearing held, bill amended and reported favorably 28 January. The sponsor is Representative Christopher Madsen (R).

**SOUTH DAKOTA HB 1194 – LAND USE** - States that no conservation easement created after 1 July 2004, may be for a period of more than thirty years. Introduced and referred to Agriculture and Natural Resources Committee 22 January 2004. The sponsor is Representative Jim Lintz (R).



## UTAH

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### AIR INFORMATION:

**PROPOSED REGULATION – AIR QUALITY AMENDMENTS** - The Utah Department of Environmental Quality (DEQ) has proposed amendments to its air regulations. The proposed amendments include: (1) the redesignation of Provo from nonattainment to attainment for carbon monoxide; (2) incorporation of language into R307-110-31 that "vehicles six years old and newer must be inspected only every other year;" and (3) deletion of the requirement that all gasoline sold in Utah County 1 November through the end of February each year be oxygenated to reduce vehicle emissions of carbon monoxide. Comments are due by 2 March 2004. For more information, contact Jan Miller at (801) 536-4042.

### WASTE INFORMATION:

**FINAL REGULATION – LICENSING REQUIREMENTS FOR NUCLEAR WASTE** – The Utah DEQ has adopted amendments that adopt by reference updated U.S. Nuclear Regulatory Commission licensing regulations. These amendments update: (1) reporting requirements for licensing of radioactive material; (2) general licensing requirements for source materials; and (3) requirements "for those licensees who need to provide financial assurance for the decommissioning and decontamination of their facilities." The amendments were effective 12 December 2003. For more information, contact Phillip Griffin at (801) 536-4261.

**READOPTED REGULATION – RADIATION CONTROL** – The Utah DEQ has readopted several of its radiation control regulations. These regulations cover: (1) general licenses; (2) therapeutic radiation machines; and (3) licenses and radiation safety requirements for well logging. These regulations have to be readopted every five years. No substantive comments have been received over the past five years. The readopted regulations were effective 10 December 2003. For more information, contact Susan Giddings at (801) 536-4259.

### Legislative Developments

The 2004 legislative session began 29 January and will end 3 March. For current information on the legislative session, link <http://www.le.state.ut.us/>.

**UTAH HB 196 – INSPECTION AND MAINTENANCE PROGRAMS** - Establishes a \$25 maximum vehicle emissions inspection fee. Repeals provisions allowing a county legislative body to increase the vehicle emissions inspection fee incrementally. Prefiled January 6, 2004. Referred to House Transportation Committee January 19. The sponsor is Representative Wayne Harper (R).

**UTAH SCR 3 – LAND USE** - Expresses support and gratitude for the contributions made by Hill Air Force Base and those who serve there to the nation's safety, the state's economy, and its nearby communities. Expresses support for the continued use, operation functions, and expansion of Hill Air Force Base in the future. Prefiled 7 January 2004. Passed Senate and sent to House 22 January. Referred to House Workforce Services and Community and Economic Development Standing Committee 23 January. Reported from Committee 26 January. The sponsor is Senator David Thomas (R).





## WYOMING

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### Regulatory Developments & Other State Information

**PROPOSED REGULATION – MILITARY MUNITIONS RULE** – On 8 September 2003, the Wyoming Water/Waste Advisory Board recommended adoption of the Military Munitions Rule. There are still several additional steps required before the State will adopt the rule. The rule is still under internal review. For more information, contact the Army Regional Coordinator for Region 8, at (303) 844-0958.

### WASTE INFORMATION:

**PROPOSED REGULATION – REVISIONS TO HAZARDOUS WASTE MANAGEMENT RULES** – The Wyoming Department of Environmental Quality (DEQ) has proposed revisions to its Hazardous Waste Rules that change the definition of waste material and clarify when mixtures consisting of certain excluded wastes and listed hazardous waste would be regulated. DEQ also proposed three new Solid Waste Guidelines for landfill operators. Public comments are due by 12 February. DEQ will hold a public hearing 19 February. For more information, contact Marisa Lataday (Hazardous Waste Rules) at (307) 777-5973, or Bob Doctor (Solid Waste Guidelines) at (307) 473-3450, or link: <http://deq.state.wy.us/shwd>.

### WATER INFORMATION:

**WATER SYSTEM OPERATOR TRAINING** – The Wyoming Water Quality Division (WQD) and EPA are providing water system operator training sponsored by Rural and Tribal Environmental Solutions. The training is titled: "O&M Aspects of Disinfection." The training will be conducted 19-20 April in Rock Springs, 22-23 April in Cheyenne, 26-27 April in Cody, and 29-30 April in Sheridan. An EPA grant is available to reimburse participants. For more information, call WQD at (307) 777-7781.

### Legislative Developments

The 2004 legislative session will begin 9 February and end 3 March. For current information on the legislative session, link <http://legisweb.state.wy.us>.

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